

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MEGAN KASZHA YELLOW OWL,

Defendant.

CR 22-14-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Megan Kaszha Yellow Owl (Yellow Owl) has been accused of violating the conditions of her supervised release. Yellow Owl admitted all of the alleged violations. Yellow Owl's supervised release should be revoked. Yellow Owl should be placed in custody for 3 months, with 21 months of supervised release to follow. Yellow Owl should serve the first 60 days of her supervised release in a secure inpatient drug treatment facility. Yellow Owl should serve up to the next 180 days of her supervised release in a residential re-entry center as directed by her probation officer.

II. Status

Yellow Owl pleaded guilty to Arson on July 6, 2022. (Doc. 32). The Court

sentenced Yellow Owl to a term of custody of time served, followed by 2 years of supervised release. (Doc. 51). Yellow Owl's term of supervised release began on November 7, 2022. (Doc. 54 at 1).

Petition

The United States Probation Office filed a Petition requesting that the Court revoke Yellow Owl's supervised release on May 18, 2023. (Doc. 54). The Petition alleged that Yellow Owl violated the conditions of her supervised release: 1) by failing to report for substance abuse treatment; and 2) by failing to notify her probation officer of a change in residence.

Initial appearance

Yellow Owl appeared before the undersigned for her initial appearance on June 6, 2023. Yellow Owl was represented by counsel. Yellow Owl stated that she had read the petition and that she understood the allegations. Yellow Owl waived her right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on June 6, 2023. Yellow Owl admitted that she had violated the conditions of his supervised release: 1) by failing to report for substance abuse treatment; and 2) by failing to notify her

probation officer of a change in residence. The violations are serious and warrant revocation of Yellow Owl's supervised release.

Yellow Owl's violations are Grade C violations. Yellow Owl's criminal history category is I. Yellow Owl's underlying offense is a Class A felony. Yellow Owl could be incarcerated for up to 60 months. Yellow Owl could be ordered to remain on supervised release for up to 24 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Yellow Owl's supervised release should be revoked. Yellow Owl should be incarcerated for 3 months, with 21 months of supervised release to follow. This sentence is sufficient but not greater than necessary. Yellow Owl should serve the first 60 days of her supervised release in a secure inpatient drug treatment facility. Yellow Owl should serve up to the next 180 days of her supervised released in a residential re-entry center as directed by her probation officer.

IV. Conclusion

The Court informed Yellow Owl that the above sentence would be recommended to Chief United States District Judge Brian Morris. The Court also informed Yellow Owl of her right to object to these Findings and

Recommendations within 14 days of their issuance. The Court explained to Yellow Owl that Judge Morris would consider a timely objection before making a final determination on whether to revoke her supervised release and what, if any, sanction to impose. Yellow Owl stated that she wished to waive her right to object to these Findings and Recommendations, and that she wished to waive her right to allocute before Judge Morris.

The Court **FINDS:**

Megan Kaszha Yellow Owl violated the conditions of her supervised release: by failing to report for substance abuse treatment; and by failing to notify her probation officer of a change in residence.

The Court **RECOMMENDS:**

The District Court should revoke Yellow Owl's supervised release and commit Yellow Owl to the custody of the United States Bureau of Prisons for a term of 3 months, with 21 months of supervised release to follow. Yellow Owl should serve the first 60 days of her supervised release in a secure inpatient drug treatment facility. Yellow Owl should serve up to the next 180 days of her supervised release in a residential re-entry center as directed by her probation officer.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A district court judge will make a de

novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a district court judge.

DATED this 7th day of June, 2023.



John Johnston
United States Magistrate Judge